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April 16, 2004

RECEIVED

APR 19 2004

PUBLIC SERVICE
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Thomas M. Dorman
Executive Director
Public Service Commission
P. O. Box 615
211 Sower Blvd.
Frankfort, KY 40602

IN RE: Case No. 2002-00042
Investigation into Warren County Water District's
Rate Schedule for Services with Private Fire
Protection Facilities

Dear Mr. Dorman:

Enclosed please find the original and 10 copies of BRIEF ON BEHALF OF
BARREN RIVER DEVELOPMENT COUNCIL, which I would appreciate your
filing in this matter.

Please call if you have any questions.

Very truly yours,



Timothy L. Edelen

TLE/sml

Enclosure

Cc: Jack Eversole
Frank Hampton Moore, Jr.
Joe Liles
David Edward Spenard
Ken Meredith
Carryn Lee
Dixie R. Satterfield

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

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PUBLIC SERVICE
COMMISSION

IN THE MATTER OF:

AN INVESTIGATION INTO WARREN COUNTY)	CASE NO.
WATER DISTRICT'S RATE SCHEDULE FOR)	2002-00042
SERVICES WITH PRIVATE FIRE PROTECTION)	
FACILITIES)	

BRIEF ON BEHALF OF BARREN RIVER DEVELOPMENT COUNCIL

Comes Barren River Development Council ("BRDC"), by counsel, and for its Brief to the Commission, reiterates, and incorporates herein by reference, all arguments and positions as set forth in its WRITTEN COMMENTS filed with the Commission, on or about January 6, 2004. It was, and still is, the position of BRDC that the Warren County Water District is not entitled to charge flat monthly fees to BRDC, for the mere privilege of having access to the water system, to supply BRDC's sprinkler system. BRDC does not use any water in its sprinkler system, and this private fire protection system actually saves water, not increase any burden on the Water District.

The Water District, pursuant to 807 KAR 5:095 has not shown good cause as to its requirement of separate metering for the line leading to BRDC's sprinkler system. The Water District therefore should not be able to charge a separate flat fee. The Water District's tariffs do not authorize the Water District to charge these fees, and the Water District's tariffs attempt to require separate connections and separate meters (for which they bill for separately), contrary to the above regulation.

BRDC otherwise adopts the Brief filed by the City of Bowling Green.

Alternatively, without waiving any of the above arguments, or those set forth in its prior WRITTEN COMMENTS, BRDC submits that if any monthly fee is to be assessed to BRDC for the privilege of having a connection to its sprinkler system, then

the monthly rate set out by the Commission staff should be adopted, as opposed to any current rates, or currently proposed rates, calculated by the Water District. For BRDC, who has a six inch service connection that supplies its sprinkler system, BRDC submits that the \$79.73 monthly charge is more appropriate than the current rate of \$221.30 being charged by the Water District, and also more appropriate than the \$112.95 proposed rate, submitted through supplemental testimony by Ms. Lee, on behalf of the Water District.

The testimony from the hearing is clear, and to the effect that the proper flow rate to be used in a calculation of a monthly fee should be the 1,050 gallons per minute flow rate which is, in essence, the average maximum flow rate, as opposed to the 4,000 gallon per minute flow rate, suggested by the Water District and Ms. Lee. BRDC otherwise relies upon the testimony of Commission staff persons Amato and Reid.

Again, BRDC does not waive its argument that no such fee should be charged, but if the Commission is inclined to allow the continued imposition of a monthly fee, then BRDC respectfully submits that the Commission should adopt the revised rate, calculated by the Commission staff.

This 16th day of April, 2004.

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Attorney for Barren River Development Council

This is to certify that a true and exact copy of the foregoing has this day been mailed to:

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Joe Liles
Warren County Water District
523 US Highway 31-W Bypass
Bowling Green, KY 42128

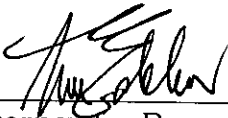
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This 16th day of April, 2004.



Attorney for Barren River Development Council